IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8631 of 2005

Between:

Valluru Nagabhushanam S/o.V.Chalapathi Rao,

Aged 54 years, R/o.D.No.64-9-17,

Patamatalanka Vijayawada.

..... PETITIONER

AND

1 The State of Andhra Pradesh,

Through the Secretary to Government,
Revenue UC-I Departmentm Secretariat,

A.P.Hyderabad.
2 The Commissioner of Land Reforms and Urban Land Ceiling,

(Appellate Authority) The State of A.P.Hyderabad.
3 The Spl.Officer and Competent Authority,

Urban Land Ceilings, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of the respondents in not considering the representation

dt.2.9.1998 and 4.2.2005 as illegal, arbitrary, unconstitutional and consequently direct the 1st respondent to pass an order directing the 3rd respondent to declare the petitioner as surplus holder and pass such other order or orders.

Counsel for the Petitioner: MR.T.S.VENKATARAMANA

Counsel for the Respondent No.1 & 2: GP FOR ASSIGNMENT

Counsel for the Respondent No.3: GP FOR CEILING

The Court, at the stage of admission made the following :

ORDER:

The case of the petitioner is that himself, his father and brother filed declarations under Sec. 6(1) of the Urban Land (Ceiling & Regulation) Act in CC No. 2150/76, 2152/76, declaring certain properties in Vijayawada Urban Agglomeration, thereafter a draft statement under Sec.8(3) was issued on 20.11.1978 to which the petitioner filed objections on 1.1.1979 and the third respondent passed orders under Sec. 8(4) of the Act on 21.11.1980 excluding certain lands from the holding of the petitioner allowing 1500 Sq. Mts. as retainable land to the petitioner and an extent of 807 Sq. Mts. was held to be surplus. Aggrieved of the said order, the petitioner filed an appeal to the 2nd respondent, which was dismissed by order dated 21.4.1982 upholding the computation made by the third respondent. It is further stated that on 2.9.1998, the petitioner was served with a revised order passed under Sec. 8(4) of the Act and it included 10036 Sq. Mts. as per the orders of the Government in GO Ms. No. 1133 Revenue (UV)-III) Department dated 4.12.1987 in the holdings of the petitioner. This revised order, it is stated by the petitioner that, had a reference of order dated 31.10.1988 purposed to have been passed under Sec. 8(4) of the Act revising the surplus area in the hands of the petitioner at 2981.66, 2479.66 and 2479.66 Sq. Mts. respectively. The petitioner contends that these orders were passed behind his back without notice to him and without considering the fact that

Ac.2.48 cents was leased for forty years in favour of M/s.B.Seshagiri Rao and Sons. The petitioner filed WP No. 1844 of 2000 assailing the order dated 2.9.1998 and this court disposed of the same on 10.7.2000 directing the Government to pass an order on the representation dated 6.9.1998 of the petitioner. The petitioner submitted arguments on 16.9.2000, but the first respondent did not pass any order and intimated the date of hearing of the revision and the petitioner attended and presented his case before the first respondent, but so far no orders are passed. Therefore, the petitioner came up with the instant writ petition.

Though the writ petition is pending right from 20.4.2005, no counter is filed by the respondents.

Therefore, in such circumstances, without going to the merits or otherwise of the averments and contentions raised in the affidavit, I deem that ends of justice would be met, if the first respondent is directed to disposed of the representation 6.9.1998. Consequently, the writ petition is disposed of directing the first respondent to consider and dispose of the representation of the petitioner, after giving an opportunity to the petitioner, and pass appropriate order, within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Elipe Dharma Rao, J.

June 13, 2005

MAS.

To

1. The Secretary to Government,

Revenue UC-I Department, Secretariat,

State of Andhra Pradesh, Hyderabad

2. The Commissioner of Land Reforms and Urban Land Ceiling,

(Appellate Authority) Government of A.P.Hyderabad.

3 The Spl.Officer and Competent Authority,

Urban Land Ceilings, Vijayawada.

4 2 Copies each to the Govt. Pleader for Ceiling and Assignment,

A.P. High Court Building, Hyderabad.

5. 2 CD copies

6. 1 CC to MR.VENKATARAMANA

*Form-NIC-OGS/WP{**MPL**}*